

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 8:05CR58
vs.)
QUANTAUS MARION,)
Defendant.) ORDER

This case is before the court on the defendant's Motion to Reconsider Detention (#72). The defendant, Quantaus Marion, moves the court for an order placing him on house arrest with electronic monitoring or at the CH halfway house in Council Bluffs, Iowa.

A review of the defendant's docket shows that the court conducted a detention hearing on July 1, 2013, and concluded that the defendant had not met his burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a danger to the community nor a flight risk.

The defendant is before the court on a Petition for Warrant for Offender Under Supervision (#47) as a result of his conviction of possession with intent to distribute cocaine base. The petition alleges, in part, that the defendant has violated several rules and conditions of supervised release, including his alleged presence during three heroin sales between March 21, 2013 and May 16, 2013. After reviewing the docket, including the defendant's original Pretrial Services report dated March 14, 2005 (which includes 29 issued warrants for arrest since 1991 and 7 failures to appear), I find that defendant's proposed plan of release fails to mitigate the court's concern as to danger and flight and note that the defendant has not established by clear and convincing that he is neither a

danger to the community nor a flight risk. He is ordered detained pending a dispositional hearing before Chief Judge Laurie Smith Camp.

IT IS ORDERED that defendant's Motion to Reconsider Detention (#72) is denied without hearing.

Dated this 19th day of July 2013.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge